

CHAPTER 223

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 19-1244

BY REPRESENTATIVE(S) Coleman and Carver, Singer, Bird, Buckner, Cutter, Duran, Exum, Geitner, Gray, Hooton, Humphrey, Jackson, Jaquez Lewis, Lewis, Michaelson Jenet, Roberts, Snyder, Valdez D., Will, Wilson, Becker, Arndt, Baisley, Beckman, Benavidez, Bockenfeld, Buentello, Caraveo, Froelich, Galindo, Garnett, Herod, Kipp, Kraft-Tharp, Liston, Lontine, McCluskie, McKean, McLachlan, Mullica, Pelton, Sandridge, Sirota, Soper, Sullivan, Tipper, Titone, Van Winkle, Weissman; also SENATOR(S) Fields and Gardner, Cooke, Tate, Bridges, Court, Crowder, Danielson, Donovan, Hisey, Lundeen, Moreno, Pettersen, Priola, Sonnenberg, Story, Todd, Williams A., Winter, Woodward, Zenzinger, Garcia.

AN ACT

CONCERNING THE PEACE OFFICERS MENTAL HEALTH SUPPORT GRANT PROGRAM, AND, IN CONNECTION THEREWITH, ALLOWING CERTAIN AGENCIES TO APPLY FOR GRANTS FROM THE PROGRAM AND EXPANDING THE PERMISSIBLE USES OF MONEY AWARDED AS GRANTS UNDER THE PROGRAM.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-32-3501, **amend** (1), (2), (3), (5), (6), and (7); and **add** (2.5) and (10.5) as follows:

24-32-3501. Peace officers mental health support grant program - created - rules - policies and procedures - fund - definitions - repeal. (1) There is created in the department of local affairs, referred to in this section as the "department", the peace officers mental health support grant program to provide grants of money to ~~county sheriffs' offices and municipal police departments~~ **ELIGIBLE AGENCIES** for the purpose of helping these agencies ~~engage~~ **PROVIDE** mental health ~~professionals who can provide~~ **SERVICES TO PEACE OFFICERS**, INCLUDING:

(a) On-scene response services to support peace officers' handling of persons with mental health disorders; ~~and~~

(b) Counseling services; ~~to peace officers.~~

(c) **ASSISTANCE FOR LAW ENFORCEMENT AGENCIES' DEVELOPMENT AND IMPLEMENTATION OF POLICIES TO SUPPORT PEACE OFFICERS WHO ARE INVOLVED IN**

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

A SHOOTING OR A FATAL USE OF FORCE;

(d) TRAINING AND EDUCATION PROGRAMS THAT TEACH PEACE OFFICERS THE SYMPTOMS OF JOB-RELATED MENTAL TRAUMA AND HOW TO PREVENT AND TREAT SUCH TRAUMA; AND

(e) PEER SUPPORT PROGRAMS.

(2) Grant recipients may use ~~the~~ money received through the grant program to ~~hire~~ PROVIDE mental health professionals and ~~provide~~ SERVICES TO PEACE OFFICERS, INCLUDING:

(a) On-scene response services to support peace officers' handling of persons with mental health disorders; ~~and~~

(b) Counseling services; ~~to peace officers.~~

(c) ASSISTANCE FOR LAW ENFORCEMENT AGENCIES' DEVELOPMENT AND IMPLEMENTATION OF POLICIES TO SUPPORT PEACE OFFICERS WHO ARE INVOLVED IN A SHOOTING OR A FATAL USE OF FORCE;

(d) TRAINING AND EDUCATION PROGRAMS THAT TEACH PEACE OFFICERS THE SYMPTOMS OF JOB-RELATED MENTAL TRAUMA AND HOW TO PREVENT AND TREAT SUCH TRAUMA; AND

(e) PEER SUPPORT PROGRAMS.

(2.5) FOR THE PURPOSES OF SUBSECTIONS (1)(b) AND (2)(b) OF THIS SECTION, GRANT RECIPIENTS MAY USE MONEY RECEIVED THROUGH THE GRANT PROGRAM TO REIMBURSE PEACE OFFICERS WHO HAVE PAID THE COSTS OF THEIR OWN COUNSELING SERVICES.

(3) ~~County sheriffs' offices and municipal police departments~~ LAW ENFORCEMENT AGENCIES that apply for grants from the grant program are encouraged to do so, to the extent possible, in collaboration with the community mental health centers in their regions.

(5) The executive director of the department, or ~~his or her~~ THE EXECUTIVE DIRECTOR'S designee, shall develop such policies and procedures as are required in this section and such additional policies and procedures as may be necessary to implement the grant program. At a minimum, the policies and procedures must specify the time frames for applying for grants, the form of the grant program application, the time frames for distributing grant money, and criteria for the executive director, or ~~his or her~~ THE EXECUTIVE DIRECTOR'S designee, to use in awarding and denying grants. THE POLICIES AND PROCEDURES MUST ALSO REQUIRE THE DEPARTMENT TO TRANSFER GRANT MONEY TO EACH GRANT RECIPIENT AS SOON AS IS PRACTICABLE AFTER A GRANT APPLICATION IS APPROVED.

(6) To receive a grant, ~~a sheriff's office or municipal police department~~ AN ELIGIBLE AGENCY must submit an application to the department in accordance with policies and procedures developed by the executive director, or ~~his or her~~ THE

EXECUTIVE DIRECTOR'S designee.

(7) (a) IN ACCORDANCE WITH A SCHEDULE TO BE DETERMINED PURSUANT TO RULES PROMULGATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, EACH GRANT RECIPIENT SHALL SUBMIT TO THE DEPARTMENT A REPORT THAT DESCRIBES AND INCLUDES DOCUMENTATION OF THE GRANT RECIPIENT'S USE OF THE GRANT MONEY. THE REPORT MUST ALSO INCLUDE ANY INFORMATION REQUIRED BY THE DEPARTMENT PURSUANT TO ANY POLICIES OR PROCEDURES DEVELOPED BY THE DEPARTMENT PURSUANT TO SUBSECTION (5) OF THIS SECTION. IN PREPARING EACH SUCH REPORT, EACH GRANT RECIPIENT SHALL REDACT THE NAMES AND ANY OTHER PERSONAL IDENTIFYING INFORMATION OF EACH PEACE OFFICER TO WHOM THE GRANT RECIPIENT PROVIDED SERVICES, TRAINING, OR EDUCATION WITH GRANT MONEY.

(b) On and after ~~August 9, 2017~~ NOVEMBER 1, 2021, the department shall include a summarized report of the activities of the grant program in the department's annual presentation to the committees of reference pursuant to section 2-7-203. Notwithstanding section 24-1-136 (11)(a)(I), the reporting requirements set forth in this section continue until the grant program is repealed pursuant to subsection (11) of this section.

(10.5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ELIGIBLE AGENCY" MEANS A LAW ENFORCEMENT AGENCY WITHIN THE STATE OR A PEACE OFFICER ORGANIZATION WITHIN THE STATE.

(b) "LAW ENFORCEMENT AGENCY" MEANS THE COLORADO STATE PATROL, THE COLORADO BUREAU OF INVESTIGATION, THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF REVENUE, A COUNTY SHERIFF'S OFFICE, A MUNICIPAL POLICE DEPARTMENT, A CAMPUS POLICE DEPARTMENT, A TOWN MARSHAL'S OFFICE, OR THE DIVISION OF PARKS AND WILDLIFE.

(c) "PEACE OFFICER ORGANIZATION" MEANS:

(I) A STATEWIDE ASSOCIATION OF POLICE OFFICERS AND FORMER POLICE OFFICERS; OR

(II) AN ORGANIZATION WITHIN THE STATE THAT PROVIDES SERVICES AND PROGRAMS THAT PROMOTE THE MENTAL HEALTH WELLNESS OF PEACE OFFICERS AND THAT HAS AT LEAST ONE PEACE OFFICER OR FORMER PEACE OFFICER SERVING ON ITS BOARD OF DIRECTORS OR IN A COMPARABLE CAPACITY.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 20, 2019